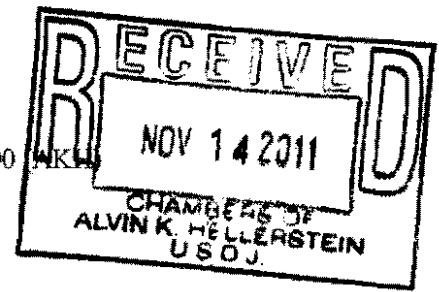


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER DISASTER SITE
LITIGATION

MCHALE, THOMAS
-Against-
SURVIVAIR

21 MC 100

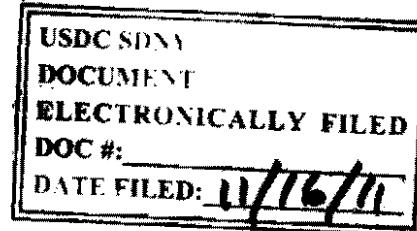


**STIPULATION OF
VOLUNTARY DISMISSAL AGAINST
SURVIVAIR ONLY**

Civil Action No: 06cv14031

IT IS HEREBY STIPULATED AND AGREED, by and between the parties that, pursuant to the Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. Plaintiff Thomas McHale voluntarily dismisses, with prejudice, his claims against Defendant Survivair pursuant to the following terms and conditions:
2. Plaintiff Thomas McHale voluntarily discontinues, with prejudice, his claims against Survivair arising out of or relating in any way to World Trade Center-related rescue, recovery, and/or debris-removal operations and/or clean up at any location on and/or after September 11, 2001.
3. All claims that were asserted or could have been brought against Survivair in relation to Plaintiffs' existing pleadings are dismissed with prejudice.



4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint.
5. The dismissal is without costs.

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Dated: November 10, 2011

WORBY GRONER EDELMAN & NAPOLI
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By:

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Attorney for Plaintiff

Dated: November 10, 2011

*In大阪
Nov. 11, 2011
D.R. Edelman*